

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figures 1, 2A, 2B, 4, 5, 6B, 6C, 7, 8, 9A, 9B, 9C, 10, 11A, 11B and 11C. These sheets replace the all the original sheets including Figures 1, 2A, 2B, 3, 4, 5, 6B, 6C, 7, 8, 9A, 9B, 9C, 10, 11A, 11B and 11C. The changes to the Figures are described in the previous amendments to the Specification. In addition, the term “Individual” in block 104 is now “Individual or Member” in block 104 in Figures 1, 2A and 2B. Moreover, duplicate reference numerals 106 were deleted from inside block 106 and underneath the corresponding arrow in Figure 5.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claims 2-9 and 12-28 remain in the application. Claims 1 and 10-11 are hereby canceled without prejudice. Claims 1-28 were rejected in the Office Action mailed July 31, 2007 (hereinafter referred to as "Office Action"). Applicant respectfully requests a three month extension of time to respond to the Office Action. A credit card authorization is being submitted electronically with the filing of this response. Accordingly, applicant respectfully submits that this response is timely filed on February 3, 2008. It is believed that no fees are due at this time. In view of the following remarks and amendments, applicant respectfully request a timely Notice of Allowance be issued in this case.

Drawing Objections

The drawings were objected to for including reference character(s) not mentioned in the description and multiple reference characters used to designate the same element. Applicant respectfully submits that the foregoing amendments to these claims are fully responsive and overcome the objections. Reconsideration and removal of the objections are respectfully requested.

Double Patenting

Claims 1-7, 10-18, 21-23 and 26-28 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-22 of U.S. Patent Application No. 10/620,903. Applicant respectfully submits that appropriate action (amendment, cancellation or the filing of a terminal disclaimer) will be taken if the double patenting rejections remain after the allowance of any applicable claims.

Claim Rejection under 35 U.S.C. § 101

Claim 1 was rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter – a human being. Applicant respectfully submits that the rejections are moot as a result of the cancellation of claim 1. Reconsideration and removal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-10 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Care Entrée (<http://web.archive.org/web/20011130030647/http://carentree.com>, 2001) in view of Lipton, et al. ("Pharmacy benefit management companies: Dimensions of performance", Annual Review of Public Health, Palo Alto 1999, Vol. 21, page 31). In addition, claims 11-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Care Entrée in view of Lipton and further in view of U.S. Patent No. 5,819,092 to Ferguson, et al. Claims 28 and 28 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over

Care Entrée in view of U.S. Patent No. 5,819,092 to Ferguson, et al. Applicant respectfully submits that claims 2-7 and 10-27 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

Claims 26-28

Applicant respectfully submits that claims 26-28 are allowable under 35 U.S.C. § 103(a) because the cited references do not disclose, teach or suggest “providing a discount price list and a medical service/good provider listing to the members that regulates the cost of services/goods provided to the members by the medical service/good provider such that the members pay the medical service/good providers in-full directly for any services/goods rendered to the members based on the discount price list, and wherein the medical service/good provider listing comprises basic listings and premium listings for the medical service/good providers” as recited in claims 26-28. The Office Action stated “[t]he Care Entrée program does not explicitly teach a system of providing discount price lists to members” (page 14, lines 7-8), but that Lipton (paragraph 30) cures this deficiency (page 14, lines 9-12). Applicant respectfully disagrees that Lipton cures this deficiency.

First, applicant respectfully submits that Lipton merely discusses traditional pharmacy benefit management companies as they existed in 1999 (Abstract). In addition, the discount lists in Lipton are not provided to the individuals or members to which the services/goods are provided. Instead, the discounts described in Lipton are provided between the PBM and the insurance company, pharmacies and/or the pharmaceutical companies (paragraph 7, lines 9-11). As a result, Lipton does not cure the deficiencies of Care Entrée.

Second, applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to provide members with a medical service/good provider listing containing basic and premium listings for the medical service/good providers because the insurance, HMO, PBM, and PPO industries teach against any sort of favoritism or competition among medical service/good providers offered directly to individuals within their networks. As a result, the modifications identified in the Office Action (pages 19, lines 8-17) based on Ferguson would “change the principle of operation of the prior art invention [Care Entrée and Lipton] being modified.” MPEP § 2143.01 (VI). As a result, “the teachings of the references are not sufficient to render the claims prima facie obvious.” MPEP § 2143.01 (VI).

For all these reasons, applicant respectfully submits that the cited references do not disclose, teach or suggest all the elements recited in claims 26-28, as amended. Accordingly, claims 26-28 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicant respectfully requests that the rejection of claims 26-28 be withdrawn.

Claims 2-9 and 12-25

Applicant respectfully submits that claims 2-9 and 12-25 depend from claim 26, as amended, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-9 and 12-25 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicant respectfully requests that any rejection of claims 2-9 and 12-25 be withdrawn.

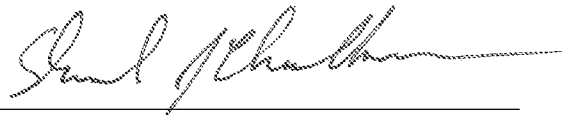
Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 2-9 and 12-28, as amended, are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Date: February 3, 2008

Respectfully submitted,

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